

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

BURCHICK CONSTRUCTION COMPANY, INC

Plaintiff,

Civil Docket No. 05-CV-12E

v.

HBE CORPORATION,

Judge McLaughlin

Defendant.

MOTION TO EXTEND PRE-TRIAL DATES

AND NOW COMES Defendant HBE Corporation (hereafter "HBE Corporation"), by its undersigned counsel, and moves the Court to extend certain pre-trial dates as follows:

1. The present Scheduling Order provides that defendant HBE Corporation's Pre-Trial Statement and Opposition to Motion for Summary Judgment shall be filed on or before January 2, 2006 and the case is set for jury trial during the trial term beginning January 23, 2006.
2. The parties have requested the Court to set a Settlement Conference for a date in January of 2006.
3. The parties have agreed and are in the process of executing the necessary forms to advise the Court of their agreement to waive jury trial and to consent to trial before Magistrate Judge Baxter, on a date to be determined.
4. Magistrate Judge Baxter's chambers have indicated that a new trial date will be set following the Settlement Conference, if said Settlement Conference is unsuccessful.
5. Plaintiff Burchick Construction neither consents to nor opposes this motion.

WHEREFORE, HBE Corporation requests the date for filing Defendant's Pre-Trial Statement and Opposition for Motion for Summary Judgment be extended to fourteen (14) days after the Settlement Conference is held.

Respectfully submitted,

POLITO & SMOCK, P.C.

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CERTIFICATE OF SERVICE

We hereby certify that on this 16th day of December, 2005, a true and correct copy of the foregoing Motion to Extend Pre-Trial Dates was served via United States Postal Service first class mail, postage prepaid to the following counsel of record:

Kurt F. Fernsler, Esq.
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POLITO & SMOCK, P.C.

By: s/Michael D. Glass
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